

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:) Bankruptcy No. 19-22616-GLT
EDWARD L. BRANDYBERRY,)
Debtor(s))
AMERICREDIT FINANCIAL SERVICES, INC.) Chapter 13
dba GM FINANCIAL,)
Movant) Document No. 71
v.)
EDWARD L. BRANDYBERRY)
FRANCES W. BRANDYBERRY,)
Respondent(s))
RONDA J. WINNECOUR,)
Trustee)
Response Deadline: 2/24/22
Hearing Date: 3/9/22 at 10:30 AM

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND CO-DEBTOR STAY

AmeriCredit Financial Services, Inc. dba GM Financial (“Movant/Creditor”), by its counsel moves this Court for an Order granting relief from the stay provided for by 11 U.S.C. §362 and co-debtor stay provided for by 11 U.S.C. 1301, stating as follows:

1. A Chapter 13 petition was filed on June 28, 2019.
2. This Court has jurisdiction of the matter pursuant to 11 U.S.C. §362, §1301, and 28 U.S.C. §157(b)(2).
3. On April 4, 2019, the Debtor and the Co-Debtor Frances W. Brandyberry entered into a retail installment sales contract for the purchase of a 2018 Nissan Altima bearing vehicle identification number 1N4AL3AP1JC135390 (the “Vehicle”). The contract was assigned to AmeriCredit Financial Services, Inc. and the Debtor(s) became indebted to AmeriCredit in accordance with the terms of same. To secure payment of the contract, the Debtor caused the title to the Vehicle to be delivered to AmeriCredit. As a result, AmeriCredit is the holder of a first purchase money security interest encumbering the

Vehicle. AmeriCredit Financial Services, Inc. now does business as GM Financial. True copies of the contract and title to the Vehicle are annexed hereto as **Exhibits A and B.**

4. Movant's best information is that there is no other entity claiming a lien on the Vehicle.

5. The Vehicle was involved in an accident and deemed a total loss.

6. The total amount due as of February 2, 2022 was \$10,851.27, plus reasonable attorneys' fees and costs.

7. The retail value of the Vehicle is \$19,800.00 according to the NADA Official Used Car Guide, February 2022 edition.

8. Movant avers that there is good cause to grant relief from the automatic stay and co-debtor stay for the following reasons:

a. The Vehicle was involved in an accident and deemed a total loss; GM Financial requires stay relief and co-debtor relief in order to apply the insurance proceeds to the account.

WHEREFORE, Movant prays that the Court grant the relief requested and issue the attached proposed Order.

Dated: 2/7/22

Respectfully submitted,

/s/ William E. Craig
By: William E. Craig, Esquire
Attorney I.D. # 92329
Morton & Craig LLC
110 Marter Ave., Suite 301
Moorestown, NJ 08057
(856) 866-0100
bcraig@mortoncraig.com
Attorneys For Movant